

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES MICHAEL RECCA,	)	8:18CV556
	)	
Plaintiff,	)	
	)	MEMORANDUM
v.	)	AND ORDER
	)	
PIGNOTTI, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff has filed a renewed motion for appointment of counsel (Filing 27). The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having once again considered these factors, the court finds Plaintiff’s renewed request should be denied without prejudice to reassertion.

Accordingly,

IT IS ORDERED that Plaintiff’s renewed motion for appointment of counsel (Filing 27) is denied without prejudice to reassertion.

DATED this 17<sup>th</sup> of September, 2019.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge